

# 5

137 RECEIVED 03 MAY 2006

PTO 1390 Page 1 of 1

US Dept. of Commerce Pat. & Trademark Office

Attorney's Docket No.  
**23304**

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371**

US. Application No. (if known)  
**10/536777**

INTERNATIONAL APP. NO. <b>PCT/EP2003/050712</b>	INTERNATIONAL FILING DATE <b>13 October 2003</b>	PRIORITY DATE CLAIMED <b>27 November 2002</b>
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TITLE OF INVENTION  
**AGENT HAVING A DESTRUCTIVE EFFECT ON MALIGNANT TUMORS AND**

APPLICANT(S) FOR DO/EO/US  
**Karl GROKE (deceased) et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EU/US) the following .

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 317(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 USC 371(c)(2)).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Patent Office.
6. ☐ A translation of the International application into English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3).
9. ☒ An oath or declaration of the inventor(s) (35 USC 371(c)(4).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11. to 16. below concern documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An Assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items of information.

RECEIVED  
- 7 JUL 2006  
Legal Staff  
International Division

US Application no (if known)  
**10/536777**

International Application no.  
**PCT/EP2003/050712**

Attorney's Docket No.  
**23304**

**Rec'd PCT/PTO 09 MAY 2006**

**17. The following fees are submitted:**

**Basic National Fee (37 CFR 1.492(a)(1)-(5):**

Search report has been prepared by the EPO or JP ..... \$950.00

Int'l prel. exam. fee paid to USPTO (37 CFR 1.482) ..... \$750.00

No int'l prel. exam. fee paid to USPTO (37 CFR 1.482)  
but int'l search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$790.00

Neither int'l prel. exam fee (37 CFR 1.482) nor  
int'l search fee (37 CFR 1.455(a)(2)) paid to USPTO ..... \$1000.00

Intl. prel. exam. fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Art. 33(2-4) ..... \$200.00

**ENTER APPROPRIATE BASIC FEE AMOUNT**

Surcharge of \$130.00 for furnishing oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

**\$65**

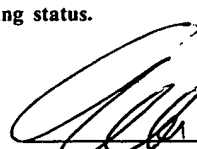
CLAIMS	NO. FILED	NO. EXTRA	RATE		
Total claims					
Ind. claims					
MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)					
TOTAL OF ABOVE CALCULATIONS				<b>\$130</b>	
Reduction of ¼ for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (37 CFR 1.2, 1.27, 1.28)				<b>\$65</b>	
SUBTOTAL				<b>\$65</b>	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE				<b>\$65</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The Assignment may be accompanied by an appropriate PTO-1595 cover sheet (37 CFR 3.28, 3.39)				<b>\$40</b>	
TOTAL FEES ENCLOSED				<b>\$105</b>	
				Amt to be refunded	
				Amt to be charged	

- a. ☐ A check in the amount of **\$32.5** to cover the above fees is enclosed  
b. ☐ Please charge my deposit account 18-2025 **\$00.00** to cover the above fees. A copy of this sheet is enclosed.  
c. ☒ Please charge the amount due to the credit card identified in the attached PTO-2038.  
d. ☒ The commissioner is authorized to charge any additional fees which may be required or credit any overpayment to deposit account 18-2025. A copy of this sheet is enclosed  
e. ☒ A PTO-2038 in the amount of **\$40** to cover recordal of the Assignment is enclosed

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:


**The Firm of Karl F. Ross P.C.**  
**5676 Riverdale Ave. Box 900**  
**Riverdale (Bronx), NY 10471**

  
Andrew Wilford, Reg. No. 26,597

Atty's 23304

Pat. App. 10/536,777

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

  
by: Andrew Wilford, 26,597  
Attorney for Applicant

3 May 2006  
5676 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: (718) 884-6600  
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rg  
Enclosure: PTO-2038

23304

**Rec'd PCT/PTO 03 MAY 2006**

Certificate of Express or First-Class Mailing  
I hereby certify that I have deposited this correspondence with the US Postal Service as first-class or, if a mailing label number is given below, as express mail addressed to Comm. of Patents, Box 1450, Alexandria, VA 22313-1450

IN THE U.S. PATENT AND TRADEMARK OFFICE

on

**MAY - 3 2006**

Inventor

Karl GROKE (deceased) et al

Patent App.

10/536,777 (US Nat'l phase of

PCT/EP2003/050712)

Filed

26 May 2005

Conf. No. 2869

For

AGENT HAVING A DESTRUCTIVE EFFECT ON MALIGNANT TUMORS AND

Hon. Commissioner of Patents

Box 1450 Alexandria, VA 22313-1450

**RECORD OF TRANSMITTAL--PCT APPLICATION**

- ☒ PCT Transmittal
- ☐ PCT Application
- ☐ Translation
- ☐ Sheets of Drawing (0)
- ☒ PCT Declaration with Certificate of Inheritance
- ☒ PCT Documents
- ☐ International Search Report
- ☐ Preliminary Amendment
- ☒ Assignment (with PTO-1595 and sep. PTO-2038)
- ☒ Extension Request (with separate PTO-2038 for fee)
- ☒ PTO-2038 for Official Fees

☒ Late filing

\$65.00

Total

\$65.00

05/08/2006 GFREY1 00000103 10536777

02 FC:8021

Please charge any fees not covered by an enclosed PTO-2038 to account 18-2025 of the undersigned.

3 May 2006

5676 Riverdale Ave. Box 900  
Bronx, NY 10471-0900  
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Customer No. 535  
rg

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

  
Andrew Wilford, Reg. 26,597



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/536,777	Karl Groke	23304

535  
THE FIRM OF KARL F ROSS  
5676 RIVERDALE AVENUE  
PO BOX 900  
RIVERDALE (BRONX), NY 10471-0900

INTERNATIONAL APPLICATION NO.

PCT/EP03/50712

I.A. FILING DATE

10/13/2003

PRIORITY DATE

11/27/2002

CONFIRMATION NO. 2869

371 FORMALITIES LETTER



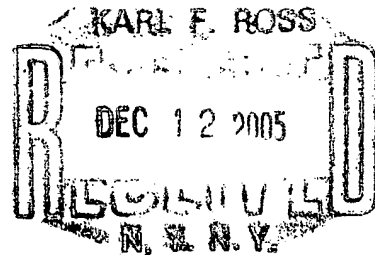
\*OC000000017586394\*

Date Mailed: 12/09/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/26/2005
- English Translation of the IA filed on 05/26/2005
- Copy of the International Search Report filed on 05/26/2005
- Copy of IPE Report filed on 05/26/2005
- Preliminary Amendments filed on 05/26/2005
- Information Disclosure Statements filed on 05/26/2005
- U.S. Basic National Fees filed on 05/26/2005
- Priority Documents filed on 05/26/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/536,777	PCT/EP03/50712	23304